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6 Attorneys for Defendant
7 CBS STUDIOS INC.

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 DELRAY RICHARDSON p/k/a DELRAY Case No. CV12-7925 ABC (SHx)
d/b/a DEL FUNK BOY MUSIC, an individual, Honorable Audrey B. Collins
12 and STERLING A. SNYDER d/b/a/ ZION
RECORDS, an individual, FRCP 26(f) REPORT

13 Plaintiffs,
14 vs.

15 CBS STUDIOS INC., d/b/a CBS TELEVISION
16 DISTRIBUTION, a division of CBS
CORPORATION, a Delaware corporation,
17 Defendants.

Scheduling Conference: 12/17/2012
Time: 10:00 a.m.
Ctrm: 680 Roybal Building

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19 Pursuant to FRCP 26(f) and this Court's Order Re: Scheduling Conference,
20 Defendant CBS Studios Inc. ("CBS") presents its FRCP 26(f) Report:

21 Plaintiffs, who are *in pro per*, have failed to make themselves available for the
22 required meetings under Rules 16 and 26. Counsel for CBS made several attempts to
23 obtain information from Plaintiffs to be able to prepare a Joint Report. Plaintiffs have
24 not provided any information and this Report is accordingly filed unilaterally. CBS does
25 not know whether Plaintiffs will appear for the scheduling conference, but suggests that

1 if Plaintiffs fail to do so, this action should be dismissed with prejudice in its entirety.

1. Plaintiffs' Claims

Defendant's Defenses

5 Neither Plaintiff has standing to bring a copyright claim on the three
6 copyright registrations which are attached to the Complaint. The first registration, dated
7 April 16, 2004 (No. PAu2-864-138), states that the registration is for a work entitled
8 "Delfunkboy Music Inc./Collection Hits Love You So 'Ass Like That' 'Kind of Women' 'I
9 Don't Care'". Box 2 states that Plaintiff Delray Richardson ("Delray") and Jean-Yves
10 Ducornet are both authors of the words and music. In Box 4, Delray claims to be the
11 sole copyright claimant. However, in the box that states, " TRANSFER: If the
12 claimant(s) named here in space 4 is (are) different from the author(s) named in space
13 2, give a brief statement of how the claimant(s) obtained ownership of the copyright,"
14 there is nothing but a blank space.

15 CBS is informed and believes that Delray never in fact obtained ownership of Mr.
16 Ducornet's interest in the copyrights at issue in this action.

17 Regarding the second copyright registration, dated October 3, 2011 (SR 692-
18 860), for a work entitled "Zion," both the author and copyright claimant are identified as
19 Zion Pick. Zion Pick is not a named plaintiff, nor is he or she identified anywhere in the
20 Complaint. It is alleged that Plaintiff Sterling A. Snyder is the "chief financial officer for
21 recording company Zion Records which owns and controls the rights to (2) of the
22 underlying sound recordings . . ." Complaint, Paragraph 10.

23 The third registration, dated April 3, 2012 (SRu 1-073-146) for a work entitled
24 "Delfunkboy Music & Paperwork Productions tracks library," again shows both Delray
25 and Jean-Yves Ducomet as co-authors, but Delray is the sole copyright claimant.

1 These three alleged copyright registrations not only fail to confer standing on
2 Delray or Snyder, they are a fraud on Mr. Ducornet and the Copyright Office.

3 To the extent Defendant CBS used any of the music about which Plaintiffs
4 complain, in connection with the television program "America's Next Top Model," it was
5 properly licensed from Jean-Yves Ducornet through his publishing company, PEN
6 Music Group, Inc. As a co-owner of the copyrights at issue, Mr. Ducornet is entitled to
7 license the compositions and sound recordings as long as he accounts to his co-
8 authors.

9 Key Legal Issues:

10 *Plaintiffs:*

11

12 *Defendant:* (a) Standing to bring a copyright infringement action when the
13 copyright registration sued upon contains false information; (b) Right of a joint copyright
14 owner to license his or her joint work.

15

16 Likelihood of Motions Seeking to Add Parties or Claims:

17 *Plaintiffs:*

18

19 *Defendant:*

20 None.

21

22 Discovery and Experts:

23 *Plaintiffs:*

24

25 *Defendant:*

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1 Defendant will take the depositions of Plaintiffs and serve written discovery,
2 primarily Requests for Production of Documents. An expert does not appear necessary
3 at this time.

4

5 Issues Which May be Resolved by Summary Judgment

6 | Plaintiffs:

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9 || *Defendant:*

10 All issues concerning copyright infringement can be decided by summary
11 judgment. Please note that the Court has dismissed all of Plaintiffs' claims with the
12 exception of the three alleging copyright infringement.

13

14 | Alternative Dispute Resolution

15 | Plaintiffs:

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17 | Defendant: Counsel for CBS prefers to be referred to the Mediation Panel.

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19 Proposed Cut-off Dates:

20 Motions to amend pleadings by adding parties or claims: February 1, 2013

21 Discovery Cut-Off: June 30, 2014

22 Motion Cut-Off: August 1, 2013

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1 Proposed Jury Trial Date:

2 October 1, 2013

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4 Dated: December 11, 2012

5 LAW OFFICES OF ROBERT S. BESSER

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7 By: RSB

8 ROBERT S. BESSER
Attorneys for Defendant CBS Studios Inc.

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RULE 26(f) REPORT

CERTIFICATE OF SERVICE

I am employed in the law offices of a member of the bar of the State of California. I am over the age of 19 and not a party to this action. My business address is 1221 Second St., Third Floor, Santa Monica, CA.

On this date, I served the foregoing document entitled Rule 26(f) Report on all interested parties in this action by:

[XX] placing a true and correct copy thereof enclosed in a sealed envelope with postage fully pre-paid and addressed as follows:

Delray Richardson
Sterling Snyder
2191 East 21st Street Box K
Signal Hill, CA 90755

[XX] VIA MAIL: I am "readily familiar" with the firm's collection and processing of correspondence for mailing. Under that practice it is deposited with the U.S. Postal Service on the same day, with postage fully prepaid, at Santa Monica, California. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit stated in this affidavit.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on December 11, 2012 at Santa Monica, California.

Robin Sanders